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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 KYNTREL T. JACKSON,

CASE NO. C18-1508RSM-MLP

10 Plaintiff,

ORDER ADOPTING REPORT AND
RECOMMENDATION

11 v.

12 SHAWNA PATZKOWSKI, et al.,

13 Defendants.

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15 This matter is before the Court on former United States Magistrate Judge James P.
16 Donohue's Report and Recommendation ("R&R") to the Undersigned. Dkt. #37. Judge
17 Donohue advised that Plaintiff's Motion for a Temporary Restraining Order/Injunction (Dkt.
18 #36) should be denied. Plaintiff, a pro se state prisoner, filed his Motion on the basis that unless
19 the Court enjoined his imminent transfer to general population—from the intensive management
20 unit—"problems would reasonably occur." Dkt. #36 at 1–2. Concluding that Plaintiff was
21 unlikely to succeed on the merits and that his asserted harm was speculative, as opposed to
22 imminent and irreparable, Judge Donohue recommended Plaintiff's Motion be denied. Dkt. #37.

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24 Plaintiff has objected to the R&R, arguing that his history and understanding of prison
25 practice makes assault far more likely and that Defendants are moving him to cause him to be
26 assaulted. Dkt. #41 at 1–3. But while Plaintiff further expands on his belief that he will be

1 assaulted upon being transferred to general population, the harm remains speculative. Moreover,
2 the R&R's recommendation to deny Plaintiff's Motion was based on more than merely the lack
3 of imminent harm. *See* Dkt. #37. Plaintiff does nothing to address the other deficiencies that
4 also factor into Judge Donohue's recommendation.

5 Accordingly, having reviewed the R&R and Plaintiff's objections, the Court finds and
6 ORDERS:

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1. The Report and Recommendation (Dkt. #37) is ADOPTED.
 2. Plaintiff's Motion for a Temporary Restraining Order/Injunction (Dkt. #36) is DENIED.

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10 Dated this 12 day of March, 2019.

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14 RICARDO S. MARTINEZ
15 CHIEF UNITED STATES DISTRICT JUDGE
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